

CHAPTER 12

PROPERTY DEVELOPMENT STANDARDS

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Section 12.010. Establishment of Development Standards.

The purpose of development standards is to protect the

general health, safety and welfare of the citizens and property owners of Lehi City and to implement the Lehi City General Plan. Compliance with all provisions of this Code, and the provisions of this Chapter shall be required as a condition to the issuance of any required development approval, license or permit issued under the provisions of this Code.

Section 12.020. General Requirements.

(Amended 3/28/00; 4/11/00; 7/13/04; 11/09/04; 09/12/06; 03/08/11)

A. All Uses, Buildings and Structures to Comply with District Requirements - Exceptions. Every building or structure hereafter erected, reconstructed, structurally altered, enlarged or moved, and every building, structure, premises or land used, rearranged, designed or intended for any use shall be built or used only as is permitted in the district in which such building, structure, land or use is located.

1. All uses allowed within the City, either as a permitted or conditional use are identified in Table 05-030-A, Table 05-030-B and Table 05-030-C.
2. All uses of land and other activities not specifically allowed as a permitted or conditional use as identified in Table 05-030-A, Table 05-030-B and Table 05-030-C are prohibited.
3. All uses, buildings and structures located in the Zoning Districts of the City must comply with the intensity, bulk requirements, site coverage standards, and other requirements for uses identified in Table 05-040-A, Table 05-040-B and Table 05-040-C.
4. All uses, buildings and structures located and established in the City must comply with the off-street parking requirements as contained in Table 05-050.
5. Exceptions may be allowed for the issuance of a building permit for a single-family dwelling on an existing lot of record that was legally created, complying with the subdivision requirements of the Utah Code in effect at that time, and prior to the effective date of this Code, but which does not meet the bulk and intensity requirements of the applicable zoning district as contained in Table 05-040-A. Requests for construction of a single-family dwelling on a legally created lot of record shall comply with the requirements for Single Lot Building Permits Outside a Recorded Subdi-

vision as Contained in Section 11.050, and the Chief Building Official shall have review and approval authority.

B. Subdivision and Sale of Property. No person shall subdivide any parcel of land which is located wholly or in part within the corporate limits of Lehi City, nor shall any person sell, exchange, or offer for sale, or purchase, or offer to purchase any parcel of land which is any part of a subdivision of a larger tract of land nor shall any person offer for recording any deed conveying such a parcel of land or any interest therein unless at plat thereof is first created in compliance with the requirements of this Code and all other applicable laws and requirements of the City and the State of Utah, which plat shall be recorded in the Office of the Utah County Recorder before such sale or exchange or purchase is effective.

C. Required Yard Areas for One Building Only. No required yard, setback, or open space area for an existing building, or which is required for any new building for the purpose of complying with the provisions of this Code, shall be considered as providing the required yard, setback, or open space area for any other building, nor shall any yard, setback, or other required open space area on an adjoining lot be considered as providing the required yard, setback, or open space.

D. Every Dwelling and Accessory Structures to be on a Lot. All primary structures and all associated accessory structure(s) shall be located and maintained on a deeded lot, except for planned, grouped or clustered structures or buildings approved under the provisions of Chapter 16 or Chapter 17 of this Code.

E. Required Yards to be Unobstructed - Exceptions.

1. All yard areas are required to be open to the sky and unobstructed except for permitted and approved accessory buildings and for projection of sills, belt courses, cornices, and other ornamental features and unenclosed steps and unwallied stoops, and porches; provided, that all buildings or parts thereof comply with the required front yard requirements of the District in which they are located.
2. Underground structures, such as swimming pools, may be located in a required yard area provided, that such structures shall not have a height of more than two (2) feet above adjacent grade

and shall not be located closer than four (4) feet to any property line.

3. Walls and fences, complying with the requirements of this Chapter or conditions of development approval.

F. Maximum Lot Coverage of Accessory Buildings. No accessory building(s) shall cover more than thirty (30%) percent of the required rear yard.

G. Temporary Dwellings/Trailers Prohibited; Exceptions. No structure of a temporary character, trailer, tent, shack, garage, barn, or other out building shall be used on any lot at any time as a residence, either temporarily or permanently, except for the following:

1. Travel trailers and other recreational vehicles may be occupied on a temporary basis in an approved RV Park.
2. Travel trailers and other recreational vehicles may be occupied on a temporary basis on a lot in a single family residential or agricultural zone for traveling guests/visitors subject to the following:
 - (a) The trailer or recreational vehicle shall be parked off the street.
 - (b) The occupancy is limited to not more than 14 consecutive days and not more than a total of 30 days in any calendar year.
 - (c) Access to city sewer is prohibited.
3. The City Council may allow exceptions for temporary dwellings/trailers on a case by case basis as deemed appropriate.

Section 12.030. Sale of Nonconforming Lots - Prohibited.

No parcel or lot that does not conform to the district requirements in which it is located may be created for the purpose, whether immediate or future, for sale, lease, building, use or development.

Section 12.040. Sale or Lease of Required Space Prohibited.

No area needed to meet the width, yard, area, setback, coverage, parking or other requirements of this Code for a lot or building may be sold or leased separate from such lot or building.

Section 12.050. Effect of Street Plan.

Wherever a front or side yard is required for a lot abutting on a proposed street which has not been constructed, but which has been designated by the Planning

Commission as a future street, the required front or side yard shall be measured from the proposed street right-of-way line.

Section 12.060. Infrastructure Provision and Environmental Criteria. (Amended 4/11/00; 4/22/03; 2/28/06)

Table 12.060, accompanying this Section identifies the public improvement and service requirements for the creation of all buildable lots located within the City. Item (A) to (J) of this Section adds explanatory material accompanying Table 12.060 and other supplementary requirements for the creation of lots eligible for the issuance of a building permit.

A. Air Quality. Developments that produce emissions to the air shall demonstrate compliance with all State and County air quality standards, as evidenced by the issuance of any permits required for their emissions by the State of Utah and Utah County.

B. Culinary Water Supply. Connection to the City culinary water system is required if City water lines are within 500 feet of any part of the subject property for all developments (except for individual subdivision lots with a minimum lot size of three (3) acres, or larger). For properties proposed for subdivision add an additional 250 feet per lot for each lot in the subdivision.

C. Irrigation Water. All developments (except individual subdivision lots with a minimum lot size of three (3) acres, or larger) are required to provide a pressurized irrigation system meeting the requirements and standards as contained in the Lehi City Design Standards and Public Improvement Specifications.

D. Water Quality. Developments that produce any point or non-point source discharge to any watercourse shall demonstrate compliance with all State of Utah water quality standards, as evidenced by the issuance of any permits required for their discharge by the State of Utah and Utah County.

E. Watershed Protection. In all developments no use or structure shall be permitted within 1500 feet above and 100 feet below each spring or well used for culinary use or public water supply where such use or structure could pollute the water source.

F. Sewage Disposal. Connection to the City sewer system is required if City sewer lines are within 300 feet of any part of the subject property. For properties proposed for subdivision add an additional 150 feet

per lot for each lot in the subdivision. All developments are required to install sewer main lines with service laterals to each lot or development parcel, located in a street right-of-way regardless of whether or not connection to the City sewer collection system is required. Properties not required to connect to the City sewer system and proposing a private sewage disposal system are required to comply with all applicable Utah County and State of Utah regulations prior to applying for development approval to Lehi City.

G. Provision of Water and Sewage Service. All proposed private water supply and sewage disposal facilities shall comply with the applicable rules and regulations of Utah County and State of Utah Health Department. No permit shall be issued until the plans for the private water supply and sewage disposal facilities have been approved by Utah County, or State of Utah Health Department, as applicable. This provision shall in no way abrogate other provisions requiring connection to a public water supply or sewage disposal system as contained in Sections 12.060(B) and 12.060(F).

H. Transportation and Circulation Improvements.

1. Roads and Streets. All development areas will provide the necessary and required road and street right-of-way as identified by the Transportation and Circulation Element of the Lehi City General Plan and Streets Master Plan. All road and street improvements and construction will comply with the design and construction standards as identified in the Lehi City Design Standards and Public Improvement Specifications.

2. Sidewalks. Sidewalks, pedestrian systems and trails, as required by the Planning Commission and City Council, are required in all development areas (except individual subdivision lots with a minimum lot size of three (3) acres, or larger) and are to be designed and constructed to the standards as identified in the Lehi City Design Standards and Public Improvement Specifications.

3. Curbs and Strip Paving. As required by the City Engineer, Zoning Administrator, Reviewing Departments, Planning Commission, or City Council.

I. Revegetation/Erosion Protection/Runoff Control. Development plans shall preserve significant existing vegetation to the fullest extent possible; shall provide for appropriate, prompt revegetation or ero-

sion protection measures; and shall provide for surface water runoff control in accordance with the Lehi City Design Standards and Public Improvement Specifications.

1. Developers may use, and the City may require a variety of conservation techniques to limit soil loss. Where such techniques are proposed they shall be presented in a professionally prepared Grading and Conservation Plan accompanying the development application.
2. The City will require that all developments shall minimize the area disturbed by construction activities at any given time, particularly cuts and fills associated with road construction. Phased site grading and stabilization or revegetation shall be part of the Grading and Conservation Plan
3. Cut and fill slopes. All cut and fill slopes in excess of 3:1 shall be properly stabilized and revegetated, as evidenced in a professionally prepared Grading and Conservation Plan accompanying the application for a development permit.

J. Wildlife Habitat. Any development that has the potential of adversely affecting critical wildlife habitat or fisheries, as evidenced in writing by the Utah Division of Wildlife Resources (UDNR) or other authoritative source, shall take all reasonable steps to minimize such impacts.

K. Critical Areas. Critical Areas include areas defined in subsections (1) through (4) below and areas identified on the Critical Lands Map of Lehi City (incorporated herein by reference). All development or construction activity, including tree/vegetation removal, grading, excavation, filling, or drainage within critical areas is prohibited except as otherwise provided in subsections (1) through (4) below, and with the exception of required public utilities or necessary roads and streets as determined by the Lehi City Engineer.

1. Steep Slopes. Slopes exceeding thirty percent (30%) or greater. In order to preserve the natural terrain and vegetation of the hillside areas, no development, structures, buildings or impervious surfaces shall be allowed on any lands with a slope of thirty percent (30%) or greater unless otherwise recommended by the Planning Commission and approved by the City Council. For developments that are adjacent to, or include areas of steep slopes, or that may be impacted by landslide potential, the City may require dedication of

a slope easement.

2. Floodplains. All areas within a 100-year floodplain (as mapped for the Federal Flood Insurance program or mapped by Lehi City). All development structures, buildings or impervious surfaces shall be required to comply with all requirements for construction in a flood plain as required by a Federal or State agency and the requirements of the National Flood Insurance Program (elevation Certificate) for construction within a flood plain.

3. Wetlands. All areas identified as a designated wetland by the U.S. Army Corps of Engineers. Development requirements:

- (a) As allowed and required by the U.S. Army Corps of Engineers.
- (b) For the purposes of calculating density applicable to wetland areas, as determined by the U.S. Army Corps of Engineers, no density is applicable to any wetland areas, although at the option of the city, lot lines may extend into wetland areas as allowed by the U.S. Army Corps of Engineers.

4. High Water Level of Utah Lake. The high water level of Utah Lake as identified by the Utah County Surveyor and Utah County Engineer at 4,495 feet above sea level. No development, structures, buildings used for human occupancy, or impervious surfaces shall be allowed on any lands below the high water level of Utah Lake unless otherwise recommended by the Planning Commission and approved by the City Council. The high water level of Utah Lake shall include:

- (a) Any lands that's surface water drains into Utah Lake.
- (b) Any lands within 1,500 feet of Utah Lake along the Jordan River.

Section 12.070. Compatibility Assessment.

(Amended 09/12/06; 10/02/12; 10/23/12)

All developments shall be compatible and sensitive to the immediate environment of the site and neighborhood relative to scale, bulk, exterior building materials and design and building height; density and historical character; orientation of buildings on the lot; and buffering. Development layout, proposed use, and building designs shall avoid conflicts including noise, odor, dust, light, attractive nuisance, shadow, aesthetics, privacy, access and safety.

A. Number of Buildings on a Lot. Every dwelling

shall be on a "lot" as defined in this Code unless specifically allowed in the conditions of a development order or development permit. Every dwelling or each nonresidential structure shall face or front upon a road, or other approved access. Where a lot is used for multi-family, retail, commercial, industrial or a combination of same, more than one (1) main building may be located upon the lot, but only when such buildings conform to all open space, parking, and other development standards applicable to such uses and are located within a zoning district allowing such combinations of uses.

B. Frontage Required. Every lot shall have frontage upon a dedicated or publicly approved road or street, or right-of-way providing access to a dedicated or publicly approved road or street as required by the provisions of this Code for planned, grouped or clustered structures or buildings approved under the provisions of Chapter 16 or Chapter 17 of this Code.

C. Fences, Walls and Hedges.

1. Fences, walls, and hedges shall not exceed six (6) feet in height, unless a Conditional Use Permit is authorized by the Planning Commission in accordance with the provisions of Chapter 9 of this Code. Any fence, wall, hedge or other material serving as a fence shall not create a sight distance hazard to vehicular or pedestrian traffic as determined by the Zoning Administrator or City Engineer, regardless of whether the fence, wall or hedge meets the requirements of this section.

2. In all residential districts walls, fences or hedges located on the front property line, or which are located within fifteen (15) feet of a front property line, or located on a side yard property line adjacent to a street, shall not exceed forty-eight (48) inches in height as measured from the adjacent sidewalk, or finished grade. However a fence not more than six (6) feet high may be constructed in a side yard adjacent to a street on a corner lot, provided that:

- (a) It does not extend into the clear view area of the street intersection as defined below by section 12-070-D.
- (b) The interior property that adjoins the rear yard of the corner lot has no existing driveway within ten (10) feet of the property line adjoining the corner lot.

3. Grade Differences. Where there is a difference in the grade of the properties on either side

of a fence, wall or hedge, the height of the fence shall be measured from the natural grade of the property upon which it is located.

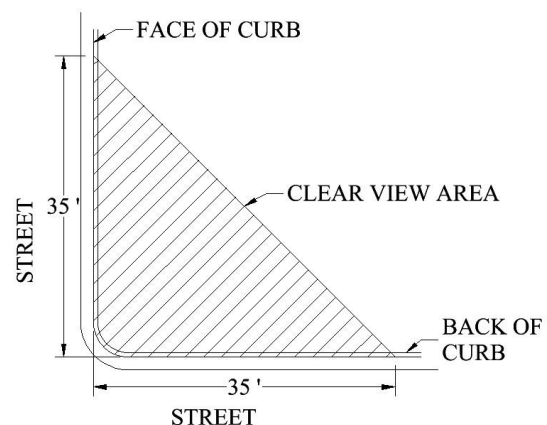
4. Retaining walls. Where a retaining wall protects a cut below or a fill above the natural grade and is located on the line separating lots or properties, such retaining wall may be topped by a fence, wall or hedge of the same height that would otherwise be permitted at the location if no retaining wall existed.

5. Double frontage lots. A fence wall or hedge of up to six (6) feet in height may be erected in the rear yard of a double frontage lot.

6. Barbed wire. Barbed wire fencing is allowed in the A-5, A-1, RA-1, LI and I Zones.

7. Exceptions. The provisions of this section shall not apply to certain other fences such as tennis court backstops or patio enclosures as approved by the Zoning Administrator; if it is determined that such do not create a hazard or violation of other sections of this Code or other City ordinances.

D. Clear View Area at Street Intersections. In all zoning districts, no obstruction to public or private street views in excess of three (3) feet in height above the finished road grade shall be placed on any corner within a triangular area formed by face of curbs and a line connecting them thirty five (35) feet from the intersection (see illustration below).



Exceptions may be made and AASHTO sight triangle requirements be enforced at the discretion of the City Engineer.

E. **Front Yards.** The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace, deck, porch, or attached accessory building.

F. **Side and Rear Yards.**

1. Every part of the required side or rear yard shall be open and unobstructed except for accessory buildings as permitted by this Code and the ordinary projection of windowsills, belt courses, and other ornamental features projecting not more than twelve (12) inches.

2. Open or lattice enclosed fire escapes, fire-proof outside stairways, balconies opening upon fire towers and ordinary projections of chimneys and flues may be allowed by the Chief Building Official to project into a required yard area up to a maximum distance of three (3) feet.

G. **Privacy.** Developments shall protect on-site privacy and the privacy of those occupying adjacent sites. Privacy may be protected through setbacks, buffering, screening or structural elements, and other design strategies.

H. **Ridgelines.** All developments shall locate structures away from areas that are prominently visible against the sky. No building, roof, or other appurtenant device shall encroach or visually intrude upon a ridgeline area as defined in this Code.

I. **Trail System.** Developments shall provide portions of the major trails running through their site meeting the recommended preferred design guidelines of the Lehi City Trails Plan. The area dedicated to trails shall be included in the calculation of any open space provided, or required, even though the trail surfaces may be impervious.

Section 12.080. Project Buffering and Screening Requirements. (Amended 07/28/09; 04/27/10; 08/14/12)

The purpose of this subsection is to encourage the most appropriate use of land and to conserve and protect the privacy and value of adjacent permitted uses. Landscaped buffer areas and screening requirements shall be provided as follows:

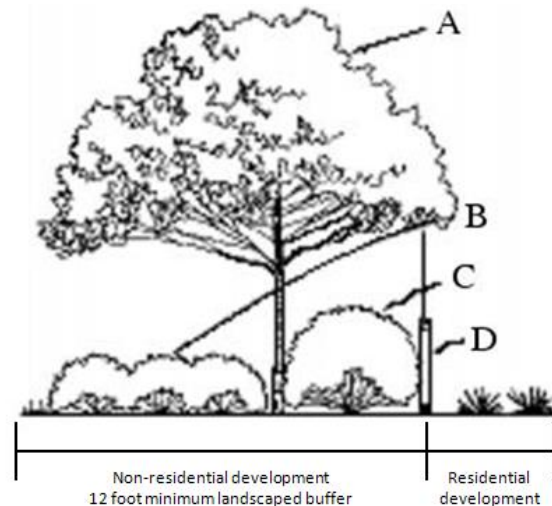
A. **Landscape Areas.** Required landscape, setback and yard areas shall be provided as required by the Zoning District requirements as contained in Table 05.040-A, Table 05.040-B and Table 05.040-C of this Code unless otherwise specified in this section.

1. **Berms.** Berms may be included and required as part of the landscaped buffer adjacent to public streets and between adjacent land uses.

B. **Required Screening for Nonresidential Districts adjacent to Agriculture and Residential Areas.** When a nonresidential zoning district or use sides or backs upon an agriculture or residential zoning district, landscaped buffer areas and screening requirements shall be as follows:

1. A screening treatment of not less than six (6) feet in height may be required on the property line separating these Zoning Districts or uses. When a screening treatment is required it shall be the responsibility of the nonresidential use to provide the required screening treatment. Where there is a difference in the grade of the properties on either side of the required fence, the height of the fence shall be measured from the property with the highest grade or in such a way that provides the greatest possible visual screening for the Agriculture or Residential Zoning District.

Figure 1 – Landscaped Buffer



- A. Large trees, 30' on center (mature height minimum 25-foot tall)
- B. Low shrub buffer, 5' on center
- C. Tall shrub zone, 10' on center (8' – 10' mature height)
- D. Six-foot-tall sight-obscuring wall, as approved by Planning Commission

2. A landscaped buffer with a minimum width of twelve (12) feet for all one-story buildings with a building height of twenty (20) feet or less shall be provided. All buildings over twenty (20) feet in height shall provide an additional one (1) foot of

buffer width to the minimum twelve (12) feet for every one (1) foot of additional building height. The additional buffer area for buildings over twenty (20) feet in height may contain parking areas and drive isles as long as the minimum 12 foot buffer is maintained along the property line and the amount of hard surface is not more than 50% of the total required buffer area. The landscape buffer must be designed and installed in a manner that is attractive and easily maintained. The buffer shall be planted with shrubs, trees, sod, etc., for the purpose of buffering, screening, and improving the visual quality of the site (see figure 1 above). At least twenty-five percent (25%) of the landscaping must be evergreen. Deciduous trees shall have a minimum caliper of two inch (2") and evergreen trees shall have a minimum height of six feet (6'). Shrubs shall be a minimum five (5) gallon size.

3. These buffer requirements may be modified as deemed appropriate by the Planning Commission if the following conditions apply:

- (a) The adjacent property owner consents in writing to the modification.
- (b) The adjoining property is identified on the General Plan Land Use Map as a non-residential land use designation.

4. The determination derived from the Right to Farm Analysis shall take precedence over any buffer reduction.

C. Required Screening for Mixed Use Districts adjacent to Agriculture and Residential Areas.

1. When a Mixed Use Zoning District or use sides or backs upon an Agriculture or Residential Zoning District landscaped buffer areas and screening requirements shall be provided as required by the Zoning Administrator, Reviewing Departments, Planning Commission, and City Council sufficient to ensure and maintain the integrity and continued functioning of the adjacent use(s).

2. The Zoning Administrator, Reviewing Departments, Planning Commission and City Council shall be guided by, and may impose, the requirements of Sections 12.080(A) and (B) and any other requirement of Section 12.080.

3. If the buffering and screening requirements of Section 12.080(B) are met, approvals may be given

according to the underlying approval process for the development request.

D. Any screening wall or fence, or other treatment required under the provisions of this section, under a conditional use permit or other requirement shall be constructed of masonry, reinforced concrete, timber or other similar suitable permanent materials as approved by the City which do not contain openings. All wall or fence openings shall be equipped with gates equal in height and screening characteristics to the wall or fence. Alternative equivalent screening may be approved through the site plan approval process. Screening fences or walls shall be supplemented by planting or planted buffer strips or berms.

E. Developments shall provide for effective screening of rooftop mechanical equipment and vents.

F. All outdoor mechanical equipment, storage parking and equipment or materials storage areas shall be screened.

G. All required screening walls shall be equally finished on both sides of the wall.

H. Open storage of materials, commodities, or equipment shall comply with the following requirements:

1. Located behind the front building line.
2. Observe all yard setback requirements.
3. Screened with a minimum six (6) foot fence or wall or other treatment, pursuant to Sections 12.080 (A) and (B) above.
4. Dumpsters and other refuse storage areas shall be visually screened by an enclosure constructed of the same materials as the primary structure or other approved material.

Section 12.090. Landscaping and Maintenance Requirements.

Where landscaping, open space, or landscaped buffers are required, the following standards shall apply.

A. General Requirements.

1. Protection of Existing Vegetation. Developments shall preserve all existing healthy, desirable trees, shrubs or vegetation where possible. During any construction or land development, the

developer shall clearly mark all trees and vegetative areas to be preserved and shall erect and maintain protective barriers around all such trees or groups of trees to the drip line. The developer shall not allow the movement of equipment or the storage of equipment, materials, debris or fill to be placed within the drip line of any trees. During the construction stage of development, the developer shall not allow cleaning of equipment or material under the canopy of any tree or group of trees to remain. Neither shall the developer allow the disposal of any waste material. No attachment or wires of any kind, other than those of a protective nature, shall be attached to any tree. All proposed new plant materials should complement native species and provide continuity with the surroundings. The use of drought tolerant species and species tolerant to the climatic conditions of Utah County is encouraged.

2. **Maintenance.** The owner, tenant and/or their agent shall be responsible for the maintenance of all landscaping. All required landscaping shall be maintained in a neat and orderly manner at all times. Landscaped areas shall be kept free of trash, litter, weeds, and other such material or plants not a part of the landscaping. All plant material shall be maintained in a healthy condition as is appropriate for the season of the year. Plant materials that die shall be replaced with plant material of similar variety and size, within ninety (90) days. A time extension may be granted by the Zoning Administrator if substantial evidence is presented to indicate abnormal circumstances beyond the control of the owner or his agent. Failure to maintain any landscape area in compliance with this section or the requirements of a development approval, permit or license issued pursuant to this Code shall result in the disapproval and revocation of any issued certificate of occupancy, development approval, license or permit.

3. **Enforcement.** If at any time after the issuance of a certificate of occupancy, development approval, license or permit the approved landscaping is found not to conform to the standards and criteria of this section, the Zoning Administrator shall issue notice to the owner, citing the violation and describing what action is required to comply with this section. The owner, tenant or agent shall have thirty (30) days from date of said notice to restore the landscaping as required. If the landscaping is not restored within the required time, such person shall be in violation of this Code.

B. **Landscape Requirements for Residential Areas.** For new developments in existing residential areas and to enhance the streetscape and residential amenities in new residential subdivision areas the City may require the installation of street trees and other plantings as part of required landscape and public improvement plans.

C. **Parking Areas.** Parking areas shall meet the landscaping requirements found in Section 05.050 (F) of this Code.

Section 12.100. Loading and Unloading Requirements and Regulations.

A. **Loading and Unloading for Wholesale, Manufacturing and Industrial Buildings.** For all wholesale, manufacturing and industrial buildings hereafter erected, or for any building converted to such use or occupancy, there shall be provided one (1) loading and unloading space for each ten thousand (10,000) square feet of floor area for buildings of 100,000 square feet or less. For buildings exceeding 100,000 square feet one (1) additional loading and unloading space shall be required for each 25,000 square feet exceeding 100,000 square feet, or fraction thereof, or as approved by the Planning Commission and City Council.

B. **Location of Required Loading and Unloading Spaces.** The required loading and unloading spaces shall in all cases be on the same lot as the use they are intended to serve. In no case shall required loading and unloading spaces be part of the area used to satisfy the parking requirement.

C. **Collective Action Relative to Loading and Unloading.** This Code shall not be construed to prevent the joint use of loading and unloading spaces for two (2) or more buildings or uses if the total of such spaces when used together is not less than the sum of the spaces required for the various individual buildings or uses computed separately.

D. **Mixed Uses.** In the case of mixed uses, the required loading and unloading spaces shall be the sum of the required loading and unloading spaces for the various uses computed separately, and such spaces for one use shall not be considered as providing required loading and unloading for any other use.

Section 12.110. Lighting Regulations.

(Amended 03/25/14)

A. Purpose. Standards for controlling lighting and glare are designed to reduce the annoyance and inconvenience to property owners and traffic hazards to motorists. These standards are intended to allow reasonable enjoyment of adjacent and nearby property by their owners and occupants while allowing adequate levels of lighting for adjoining uses and activities.

B. General Non-Residential Site Lighting and Glare Standards.

1. Any use shall be operated so as not to produce obnoxious and intense glare or direct illumination across the boundary property line from a visible source of illumination of such intensity as to create a nuisance or detract from the use or enjoyment of adjacent property. All outside lights shall be made up of a light source and reflector so selected that acting together, the light beam is controlled and not directed across any adjoining property line above a height of three (3) feet. The allowable maximum intensity measured at the property line of a residential use in a residential Zoning District shall be 0.2-foot candles. No light pole shall be erected unless set back a distance equal to its height from all adjacent residential property.

2. Height.

- (a) On tracts or lots over three (3) acres in size, the maximum height for poles with lights is thirty (30) feet.
- (b) On tracts or lots less than three (3) acres, the maximum height of poles with lights is twenty (20) feet.
- (c) Special lighting or lighting higher than thirty (30) feet may be approved as specifically noted on an approved site plan.
- (d) Lighting materials shall be of a non-galvanized material and color to be approved at final site plan.
- (e) On properties less than three (3) acres, but greater than one (1) acre, the maximum height of poles with lights shall be thirty (30) feet if the following conditions are met:
 - (i) Subject property has a minimum 300 foot separation from any residentially zoned property as measured from the property lines; and,
 - (ii) Property is located adjacent to an arterial or State road.
 - (iii) The lighting fixtures used shall be new precision luminaires with flat lenses. Fixtures shall conform to the

light trespass requirements in this section, and a photometric design shall be submitted as part of the site plan requirements.

C. Residential Lighting and Glare Standards. Residential lighting for security and night recreation use is permitted in all residential Zoning Districts provided the following requirements are met:

- 1. Direct lighting over ten (10) feet in height is shielded from adjacent property.
- 2. No light source shall exceed thirty (30) feet in height, except Road and Streetlights operated by the City and other traffic safety lighting devices.
- 3. Lighting shall not directly shine on adjacent dwellings.

D. Special or Temporary Lighting: Low Wattage. Bare bulbs or strings of lamps are prohibited, except that during holidays special lighting shall be permitted for a maximum time period of forty-five (45) days for each holiday use. Christmas tree sales are considered a temporary holiday use for the purpose of this section.

Section 12.120. Supplementary Requirements for Agriculture and Residential Districts.

(Amended 3/14/00; 10/10/00; 11/18/03; 11/13/12; 12/10/13; 08/26/14; 07/28/15)

A. Average Front Yard Setback Permitted. The required front yard setback for any dwelling located between two existing dwellings may be the average of the two existing dwellings.

B. Storage of Commercial Vehicles in Agriculture and Residential Districts Prohibited. The storage of commercial vehicles, excluding agricultural machinery and equipment ancillary to an agricultural use, and the storage of construction equipment shall not be permitted on any lot in any agricultural or residential district provided, that construction equipment may be stored on a lot during construction of a building thereon, but shall not exceed one (1) year.

C. Additional Height for Public Buildings Allowed. Public buildings may exceed the maximum height allowed in agriculture and residential districts in which they are located provided approval is granted following the Conditional Use procedures contained in this Code.

D. Keeping of Animals in Agricultural, Residential and Planned Community Districts.

1. **Category One Animals.** Category One animals include cattle. Other animals of similar size and impact may be allowed on a case-by-case basis with approval of the Zoning Administrator. The keeping of Category One animals is permitted limited to the following:

- (a) For properties located in the A-5 and properties of five (5) acres or more within the TH-5 and A-1 Districts, the keeping of Category One animals is permitted with no defined maximum number.
- (b) One (1) Category One animal may be kept for every half acre of lot area on properties with a minimum of one (1) acre located in the TH-5, A-1, RA-1 and R-1-22 Districts.

2. **Category Two Animals.** Category Two animals include horses, donkeys, mules and burros. Other animals of similar size and impact may be allowed on a case-by-case basis with approval of the Zoning Administrator. The keeping of Category Two animals is permitted limited to the following:

- (a) For properties located in the A-5 and properties of five (5) acres or larger within the TH-5 and A-1 Districts, the keeping of Category Two animals is permitted with no defined maximum number.
- (b) Two (2) Category Two animals may be kept for every half acre of lot area for properties located in the A-1, RA-1, R-1-22, and TH-5 Districts.
- (c) Two (2) Category Two animals may be kept for every half acre of lot area on properties with a minimum of one (1) acre located in the R-1-15 and R-1-12 Districts, subject to approval of a Conditional Use Permit and limited to the following:
 - (i) Corrals, pens and barns shall be located on the rear portion of the lot.
 - (ii) Screening from adjacent properties with the installation of a solid fence of six (6) feet in height.
- (d) Stallions shall be adequately contained within a secure enclosure as to prevent escape from the owner's property.

3. **Category Three Animals.** Category Three animals include goats, sheep, pigs and llamas. Other animals of similar size and impact may be allowed on a case-by-case basis with approval of the Zoning Administrator.

The keeping of Category Three animals is permitted limited to the following:

- (a) For properties located in the A-5 and properties of five (5) acres or larger within the TH-5 and A-1 Districts, the keeping of Category Three animals is permitted with no defined maximum number.
- (b) Four (4) Category Three animals may be kept for every half acre of lot area for properties located in the A-1, RA-1, TH-5 and R-1-22 Districts.
- (c) Four (4) Category Three animals may be kept for every half acre of lot area on properties with a minimum of one (1) acre located within the R-1-15 and R-1-12 Districts, subject to approval of a Conditional Use Permit and limited to the following:
 - (i) Corrals and pens shall be located on the rear portion of the lot.
- (d) The keeping of pigs shall be allowed only in the A-5, TH-5 and A-1 Districts and on properties of more than one acre in the RA-1 and R-1-22 Districts.

4. **Category Four Animals.** Category Four animals include chickens, ducks, pheasants, rabbits, pigeons, birds of prey, dogs, and cats. Other animals of similar size and impact may be allowed on a case-by-case basis with approval of the Zoning Administrator. Keeping of Category Four animals is permitted limited to the following:

- (a) For properties located in the A-5 and properties of five (5) acres or larger within the TH-5 and A-1 Districts, the keeping of Category Four animals is permitted with no defined maximum number.
- (b) Eight (8) Category Four animals may be kept on any residential property with a single family detached dwelling. Eight (8) additional category 4 animals may be allowed for each additional half acre of property located in the A-1, TH-5, RA-1 and R-1-22 Districts.
- (c) For properties of one acre or larger located in the R-1-15 and R-1-12 Districts, the keeping of more than eight (8) Category Four animals is subject to a Conditional Use Permit.
- (d) Properties with attached units in the MU, R-2, R-2.5 and R-3 Districts shall be limited to four (4) Category Four animals.
- (e) The keeping of roosters shall be allowed only in the A-5, TH-5 and A-1 Districts and on properties of one acre or more in the RA-1 and R-1-22 Districts.

(f) In no case shall any property be allowed to keep more than two (2) dogs without a kennel license.

(g) In no case shall any property be allowed to keep more than three (3) cats without a kennel license.

(h) In no case shall more than two (2) birds of prey be kept on any property.

5. **Planned Community and Resort Community Districts.** For properties located within the Planned Community and Resort Community Districts the keeping of animals shall be authorized through an Area Plan which has been approved and adopted by the City Council pursuant to the provisions of Chapter 15 of this Code. When the Area Plan does not regulate the keeping of animals, the following shall apply:

(a) Two (2) Category Two or four (4) Category Three animals may be kept for every 22,000 square feet of property area.

(b) In no case shall Category One, Category Two, or Category Three animals be allowed on individual residential lots of less than a half acre in size.

(c) Category Four animals are allowed on properties in the Planned Community District with a maximum of eight (8) for detached units. No more than four (4) Category Four animals shall be kept on properties with attached units. No more than two (2) dogs and three (3) cats may be kept.

6. **Maximum Number of Animals.** The number of animals allowed on a property shall be cumulative for Category One, Category Two and Category Three animals (see Table 12.070). Any combination of animals is allowed but shall not exceed the total equivalent number of animals allowed for the property size or zoning requirement.

(a) One (1) Category One animal is equivalent to two (2) Category Two animals.

(b) One (1) Category Two animal is equivalent to two (2) Category Three animals.

7. **Setback Requirements.** The purpose of these setback requirements are to buffer neighboring dwellings and public roads from animal facilities. These setbacks are as follows:

(a) All pens and corrals less than five hundred (500) square feet in size and all barns, stables, stalls, and/or other roofed structures used for the shelter and keeping Category 1, 2, or 3 animals permitted shall be located at

least sixty (60) feet from residential dwellings or other buildings used for human occupancy located on separate adjoining lots, thirty (30) feet from the residential dwelling of the person occupying the lot upon which the barn, pen or corral is located, and at least twenty five (25) feet from any public road.

(b) No setback shall be required for any pen, corral, pasture, or other fenced, un-roofed, enclosure used for the containment of Category 1, 2, or 3 animals permitted that is greater than five hundred (500) square feet in size.

(c) Coops shall be located at least thirty (30) feet from any neighboring dwelling, or other building used for human occupancy and at least twenty five (25) feet from any public road.

8. **Maintenance.** All coops, corrals, barns and other animal facilities shall be maintained and kept clean as to prevent nuisances to neighboring property owners. See Section 6.20 Miscellaneous Animal Regulations of the Lehi City Municipal Code.

9. **Suckling Offspring.** Animal offspring do not count toward the maximum number of allowed animals on a property until they are weaned or reach eight (8) months in age.

10. **Exotic and Wild Animals.**

(a) Exotic animals may be kept with approval of a conditional use permit and any required State permits. Exotic animals include buffalo, ostriches, elk, fallow deer, emu, and peacocks. Other exotic animals may be approved by the Planning Commission.

(b) Wild animals shall not be kept as pets or for exhibition as per Section 6.20 of the Lehi City Municipal Code. Wild animals include those that are vicious, non-domesticated, venomous or dangerous.

E. **Apiaries.** The keeping of bees is allowed on all properties in the A-5, TH-5, A-1, RA-1, R-1-22, R-1-15, R-1-12, R-1-10, R-1-8, R-2, R-2.5 and R-3 Districts as a permitted use subject to the following requirements:

1. There is no defined maximum number of hives for properties in the A-5 District or properties over 5 acres in the TH-5 or A-1 Districts.

2. For properties with detached residential dwellings and vacant properties three (3) hives

may be kept on properties less than one quarter acre in size. Three (3) additional hives may be kept for each additional quarter acre of property.

3. One (1) hive may be kept on properties with attached units that have an enclosed private back-yard space.
4. Hives shall not be located in any front yard.
5. Hives shall be located at least six (6) feet from any adjoining property line or public road. Hives may be located up to sixteen (16) inches from the property line or public road if a solid fence or hedge known as a “flyway barrier” of at least six (6) feet in height is provided in front of the hive entrance.
6. A fresh supply of water shall be maintained to prevent bees from collecting at water sources in neighboring properties.
7. Hives or any component thereof shall not exceed six (6) feet in height.
8. Hives must be maintained regularly to prevent swarming. The hive owners are expected to follow beekeeping best management practices such as disease control, hive management, and working the hive at appropriate times. Bees and associated beehives may be ordered removed from property if they are determined to be a nuisance by the Lehi City animal control officer.
9. Each beekeeper shall register with the Utah Department of Agriculture as provided in the Utah Bee Inspection Act as set forth in Title 4, Chapter 11 of the Utah State Code.

Section 12.130. Supplementary Requirements for Mixed Use, Nonresidential and Special Districts. (Amended 04/12/05; 08/09/05; 05/9/06; 04/22/08; 07/28/09; 09/27/11; 11/15/11; 12/13/11; 04/24/12; 05/22/12; 01/12/16)

A. Storage – Mini (Storage Units). Applications to establish a storage unit project shall comply with the following requirements in addition to the other provisions of this Code:

1. A minimum twenty-five (25) foot landscape buffer shall be provided between the front property line and any building, including the office/caretaker building. The landscape buffer shall include a minimum of one (1) two-inch (2”)

caliper canopy shade tree, and five (5) five (5) gallon shrubs planted for every forty (40) linear feet of frontage, rounded up to the nearest whole number.

2. The entire area that includes storage use, with the exception of the office/caretaker residence and its customer and employee parking and the access driveway(s) shall be enclosed by a six (6) foot fence. The fence shall be one of the following two choices:

- (a) A privacy fence constructed of brick, stone or similar masonry product allowing for wrought iron only at the gates/office area; or
- (b) A wrought iron fence with a landscape buffer on all sides. The landscape buffer shall be a minimum of ten (10) feet wide and consist of a minimum area of fifty percent (50%) live plant material. The ten (10) foot landscape buffer area may be located on either side of the fence and shall contain at least one (1) two-inch (2”) caliper canopy tree and five (5) five-gallon shrubs planted for every forty (40) linear feet rounded up to the nearest whole number.

3. Exterior surfaces of all buildings shall be faced with face brick, stone, architectural concrete masonry units (split face block), cast-in-place or precast concrete panels or an equivalent or better as approved by the Planning Commission. Masonry or concrete walls shall not be painted; color shall be integral to the masonry material. The building containing the office/caretaker residence shall include a pitch or hipped roof. The exterior of all buildings, including exterior walls, roofs, trim and doors shall be finished in neutral earth tone colors.

4. Storage or parking of recreational vehicles, boats, trailers, and other similar outside storage shall not be permitted within twenty (20) feet of any property line on the periphery of the development. Such storage shall be covered and shall be screened by masonry fencing or other storage buildings on site such that the outside storage items are not directly viewed from any public street or from I-15. This provision shall not be interpreted to permit the storage of partially dismantled, wrecked, or inoperable vehicles.

5. No entrance doors to storage compartments shall front on any public street.

6. No wall adjacent to or visible from public streets or abutting property shall exceed one hundred (100) feet in length without visual relief by means of a vertical reveal at least one foot in depth and ten feet in width, a perceptible change in wall angle or a corner.

7. Driveways and access isles shall be designed so that fire equipment and other emergency vehicles can readily access and exit all areas of the site.

8. The caretaker residence should be limited to one (1) residential dwelling unit. The Planning Commission may allow exceptions if the owner/applicant can demonstrate that an additional caretaker unit(s) is necessary because of the size of the project or other unusual circumstances. In no case shall the number of caretaker units exceed three (3) units.

9. No business activities other than the rental of storage units shall be conducted on the portion of the premises devoted to the rental of storage units. No retail or wholesale sales shall be conducted on the premises, except sales of goods and services by the management. No auctions or commercial sales or uses, manufacturing, fabricating or assembly of any items shall be conducted on the site. No activities such as miscellaneous or garage sales shall be conducted on the premises. The servicing or repair of motor vehicles, boats, household, industrial or commercial items shall not be conducted on the premises.

B. Hotels and motels. Applications to establish a hotel or motel facility, including hotels with extended stay accommodations shall comply with the following requirements in addition to the other provisions of this Code:

1. No hotel or motel shall be located within 600 feet of an elementary school or middle school/junior high measured from the nearest entrance of the hotel or motel by following the shortest route of ordinary pedestrian travel to the property boundary of the school.

2. None of the rooms in the hotel or motel shall be used as a dwelling unit or primary residence by its occupant.

3. Travel trailers, campers, and other similar recreational vehicles shall not be occupied on the premises of a hotel or motel facility, or used in any way to provide additional accommodations for the hotel/motel occupants unless otherwise approved by the Zoning Administrator.

4. The length of time for guest occupancy of a hotel or motel unit may be limited as part of the Conditional Use approval. In no case shall the length of stay exceed 90 consecutive days unless otherwise approved by the Zoning Administrator.

5. Low level security lighting for safety and security shall be provided for all areas of the site that are not covered by a building, including all walkways and trash storage areas.

6. The Lehi City Police Department may provide recommendations regarding the security of the site. Such recommendations may include, but are not limited to on site security personnel, security lighting, security fencing, secured parking, information signs, and building design and landscaping to reduce places of potential concealment.

C. Liquor Stores and Private Clubs. Applications to establish a liquor store or private club shall be reviewed and considered as a conditional use within the zoning districts authorized pursuant to Chapter 09 of this Code and shall comply with the following requirements in addition to the other provisions of this Code;

1. No liquor store or private club shall be located within 600 feet of any residential zone or use, including the Mixed Use Residential/Commercial Zoning District measured in a straight line from the closest property line of the proposed store or club to the closest zone district boundary or property line of the residential use.

2. No liquor store or private club shall be located within 600 feet of any public building, school, park or church measured in a straight line from the closest property line of the proposed store or club to the closest property line of the public building, school, park or church.

D. Portable Storage Containers.

1. Portable storage containers shall not be allowed on a permanent basis in any residential zoning district.

2. Portable storage containers may be allowed on a permanent basis as a Conditional Use in the Industrial, Technical Manufacturing, Commercial, TH-5, A-5 and A-1 Zones subject to the provisions of this section and any other reasonable conditions the Planning Commission may impose to ensure compatibility with adjacent uses. For the TH-5, A-5, and A-1 Zones, the parcel must have a minimum of five (5) acres in size.

3. Portable storage containers may be allowed on a temporary basis as a Conditional Use in the Regional Commercial and Mixed Use Zones for a time period not to exceed twelve (12) months and subject to the provisions of this section and any other reasonable conditions the Planning Commission may impose to ensure compatibility with adjacent uses.

4. One (1) portable storage container may be temporarily placed on property located in any zone during a period of ongoing construction, not to exceed twelve (12) months. Once construction is completed, the containers shall be removed.

5. One (1) portable storage container may be placed on property located in any zone for an emergency situation, such as the need for storage following a house fire or flood, or for the purpose of moving, and shall be removed within sixty (60) days.

6. Portable storage containers are not permitted on vacant property except where allowed in the TH-5, A-5, and A-1 Zones as part of an ongoing agricultural operation.

7. Vertical stacking of portable storage containers and stacking of any other materials or merchandise on top of any portable storage container shall be prohibited.

8. No portable storage container shall be placed or located on a required parking space, circulation aisle/lane, fire access lane or public right-of-way.

9. With the exception of containers used for construction, moving or emergency purposes as described above, all portable storage containers shall be located to the rear 50% of the site they are to be located on, and shall not be visible from a public street. Screening in the form of fencing, landscaping, or a combination of both may be re-

quired so that the portable storage container is not visible from a public street or to buffer the container from surrounding properties as deemed appropriate by the Planning Commission.

10. All containers and their screening and landscaping shall be maintained in good repair. Any dilapidated, dangerous, rusted or unsightly containers shall be repaired or removed. Graffiti shall be removed within seven (7) days.

11. Containers shall be used for storage purposes only. Storage is limited to materials, products or equipment used, produced, sold or manufactured on the site of a legally conforming business or agricultural use.

12. There shall be no plumbing or electricity connected to the container and all wheels (except for small, non inflatable rollers) shall be removed.

13. The use of truck trailers, used semi boxes or other similar containers that have been modified from a previous use as a permanent or temporary storage container is prohibited.

14. Storage containers cannot be used for signage.

15. In order to place a portable storage container, a permit from Lehi City is required. The permit must be posted on the container and must be clearly visible at all times.

16. Portable storage containers that were located on a property prior to the adoption of this section on April 12, 2005 shall be considered legal non-conforming, and shall be allowed to continue, as per Chapter 24, Nonconforming Uses, of this Code. It is the property owner's responsibility to provide evidence that the container existed on the property prior to April 12, 2005.

E. Check Cashing, Title Loans & Other Credit Services.

1. Separation Requirement. No check cashing, title loan, or similar credit service business shall be located within one (1) mile of any other check cashing or title loan business as measured in a straight line between the closest property lines of the lots on which they are located.

2. No more than one check cashing or title loan

business shall be allowed for every 10,000 citizens living in the City of Lehi.

3. No bars, chains or similar security devices visible from the public street or sidewalk are allowed.

4. Neon lighting, other than the building's sign, is not permitted on the exterior.

5. For purposes of this subsection, each separate physical location shall count as a Check Cashing or Title Loan Business.

F. Pawn Shops and Pawnbrokers.

1. In addition to the requirements of this section, pawn shops and pawn brokers must meet the requirements for pawnbrokers found in the Lehi City Municipal Code Chapter 5.52.

2. Separation Requirement. No pawn shop shall be located within one (1) mile of any other pawn shop business as measured in a straight line between the closest property lines of the lots on which they are located.

3. No more than one pawn shop business shall be allowed for every 10,000 citizens living in the City of Lehi.

4. For purposes of this subsection, each separate physical location shall count as a pawn shop business.

5. No bars, chains or similar security devices visible from the public street or sidewalk are allowed.

6. Neon lighting, other than the building's sign, is not permitted on the exterior.

7. Signage restrictions for pawnshops:

- (a) Not more than one (1) exterior monument sign and one wall-mounted sign shall be allowed.
- (b) No pole signs shall be allowed.
- (c) Painted wall advertising shall not be allowed.
- (d) No temporary sign, banner, light, or other device designed to draw attention to the business or its location shall be allowed.

G. Towing and Impound Yards.

1. Towing and impound yards may be allowed as a Conditional Use in the LI and I Zones. Any towing and impound yard that existed and was legally created prior to the adoption of this section on November 15, 2011 shall be considered legal non-conforming, and shall be allowed to continue, as per Chapter 24 of this Code.

2. In addition to the provisions of this Code, towing and impound yards must comply with all State requirements.

3. Any towing and impound yard must include a permanent structure to be used as the office for the business. The building must conform to the Commercial Design Standards contained in Chapter 37 of this Code.

4. The site shall be suitably landscaped and the impound area should be screened from view from any public street or abutting properties by an eight (8) foot opaque, masonry, sight-obscuring fence. The height of the fence shall be measured at finished grade of the subject property. A chain link fence with slats shall not constitute an acceptable screening device to satisfy these requirements, unless specifically approved by the Planning Commission.

5. Towing and impound yards shall not include any salvaging or auto wrecking uses.

6. No vehicle shall remain for more than one hundred and eighty (180) days on a lot.

H. Race Tracks for Electric Go-Carts. Applications to establish Race Tracks for Electric Go-Carts shall comply with the following requirements in addition to the other provisions of this Code:

1. Race Tracks for Electric Go-Carts are allowed only as an accessory use to a Commercial Recreation Facility and cannot represent more than 15% of the total attractions.

2. No internal combustion engines are allowed.

3. The Commercial Recreation Facility site shall have a minimum lot size of three and a half (3.5) acres.

4. Race Tracks for Electric Go-Carts shall only be allowed between the railroad tracks and the I-

15 right-of-way within the Mixed Use corridor along State Street, and the track must be adjacent to I-15.

I. Tobacco Products Shops.

1. No tobacco products shop shall be located within one (1) mile of any other tobacco products shop as measured in a straight line between the closest property lines of the lots on which they are located.

2. No tobacco products shop shall be located within one thousand (1,000) feet of any school, public or private, as measured in a straight line between the closest property lines of the lots in which they are located.

3. No more than one tobacco products shop shall be allowed for every 50,000 citizens living in the City of Lehi.

4. For purposes of this subsection, each separate physical location shall count as a tobacco products shop.

5. No bars, chains or similar security devices visible from the public street or sidewalk are allowed.

6. Neon lighting, other than the building's sign, is not permitted on the exterior.

7. Signage restrictions for tobacco products shops:

- (a) Not more than one (1) exterior monument sign and one wall-mounted sign shall be allowed.
- (b) No pole signs shall be allowed.
- (c) Painted wall advertising shall not be allowed.
- (d) No temporary sign, banner, light, or other device designed to draw attention to the business or its location shall be allowed.

Section 12.140. Wireless Telecommunications Facilities. (New 02/27/07; Amended 07/08/14)

A. Purpose. The purposes of this section are:

1. To establish location, appearance, and safety standards that will help mitigate potential impacts related to the construction, use and maintenance

of telecommunications facilities.

2. To provide for the orderly establishment of telecommunications facilities in the City.

3. To minimize the number of antenna support structures by encouraging the location of antennas on pre-existing support structures, encouraging the use of stealth facilities, encouraging the co-location of multiple antennas on a single structure, and encouraging the use of City-owned property for antenna support structures.

4. To comply with the Telecommunications Act of 1996 by establishing regulations that do not prohibit or have the effect of prohibiting the provision of personal wireless services, do not unreasonably discriminate among providers of functionally equivalent services, and are not based on the environmental effects of radio frequency emissions to the extent that such facilities comply with the Federal Communication Commission's regulations concerning such emissions.

B. Definitions. The following words shall have the described meaning when used in this Section:

Antenna. A transmitting or receiving device used in telecommunications that radiates or captures radio signals.

Antenna Support Structure. Any structure that can be used for the purpose of supporting an antenna(s).

City. The City of Lehi, Utah.

City-owned Property. Real property that is owned, leased or controlled by the City.

Co-location. The location of an antenna on an existing structure, tower or building that is already being used for telecommunications facilities.

Equipment Facility. Any building, shelter or cabinet used by telecommunication providers to house switching, backup or other equipment at a telecommunications facility.

Guyed Tower. A tower that supports an antenna or antennas and requires guy wires or other stabilizers for support.

Lattice Tower. A self-supporting three or four-sided, open steel frame structure used to support telecommunications equipment or antennas.

Monopole. A single, self-supporting, cylindrical pole, constructed without guy wires or ground anchors, that acts as the support structure for antennas.

Non Stealth Design. Any Antenna or equipment

facility not camouflaged in a manner to blend with surrounding land uses, features or architecture. The design does not conceal the intended use of the telecommunications facility. A Monopole with Equipment Facilities above ground and un-screened would be considered non-stealth.

Personal Wireless Services. "Personal wireless services" has the same meaning as provided in Section 704 of the Telecommunications Act of 1996 (47 U.S.C. § 332(c)(7)(c)), which includes what is commonly known as cellular and Personal Communication System (PCS) services.

Private Property. Any real property not owned by the City or another public or governmental entity.

Non-Residential Use. A school, church, clubhouse or public/government building in a residential Zoning district. For the purposes of this Section the Mixed Use Zone shall be considered a residential zone. For projects located in the PC and RC Zones, the determination of whether a property is zoned residential or non residential shall be based on the approved area plan land use map.

Non-Residential Zone/Residential Zone. For the purposes of this Section the Mixed Use Zone shall be considered a residential zone. For properties located in the PC and RC Zones, the determination of whether a property is zoned residential or non residential shall be based on the approved area plan land use map.

Roof Line. On buildings without a pitched roof, the roof line shall mean the top of the exterior wall elevation. On buildings with a pitched roof, roof line shall mean the ridgeline of the roof.

Roof Mounted Antenna. An antenna or series of individual antennas mounted on a roof, mechanical room or penthouse of a building or structure.

Stealth Facilities. Wireless facilities that have been designed to be compatible with the natural setting and surrounding structures, which camouflage or conceal the presence of antennas and/or towers, and that have been certified as "Stealth Facilities" by the Planning Commission.

Telecommunications facility(ies). An unmanned structure which consists of equipment, including transmitters, antennas, antenna support structures and equipment facilities as defined herein, that transmit and/or receive voice and/or data communications through wireless radio signals such as "cellular" or "PCS" (Personal Communications System) communications and paging systems.

Top-hat Antenna. A spatial array of Antennas, generally located on a free-standing structure,

where the visible width of Antennas and Antenna Mounting Structures are more than three (3) feet in width as viewed looking directly at the structure.

Tower. A free-standing structure, such as a monopole tower, lattice tower, or guyed tower, that is used as a support structure for antenna(s).

Utility Pole Antenna. Any Antenna mounted directly to an existing City owned power pole or street light pole with the exception of decorative street lights. This definition shall not include poles carrying telephone lines or any other type of utility not specifically included above.

Wall Mounted Antenna. An antenna or series of individual antennas mounted on the vertical wall of a building or structure.

Whip Antenna. An Antenna that is cylindrical in shape. Whip Antennas can be directional or omnidirectional and vary in size depending upon the frequency and gain for which they are designed.

Wireless Telecommunication Facility. See Telecommunication Facility.

C. Findings. The Planning Commission and City Council make the following findings:

1. Personal wireless services are of increasing importance and value to the citizens of Lehi. The growing industry and evolving technology continue to increase the quality of life for city residents and contribute to the public safety, health and welfare of the city. Accommodating the expansions of networks and transmission facilities is important to creating a well-connected, functioning city.
2. The City needs to balance the interests and desires of the telecommunications industry and its customers to provide competitive and effective telecommunications systems in the City, against the sometimes differing interests and desires of others concerning safety, welfare, aesthetics, and orderly planning of the community.
3. The unnecessary proliferation of telecommunications facilities throughout the City creates a negative visual impact on the community.
4. The visual effects of telecommunications facilities can be mitigated by fair standards regulating their siting, construction, maintenance and use.
5. Locating antennas on existing buildings and

structures, or constructing an antenna as a stealth facility, creates less of a negative visual impact on the community than the erection of towers.

6. The public policy objectives to reduce the proliferation of telecommunication towers and to mitigate their impact can best be facilitated by encouraging the use of less visually intrusive antennas and permitting the locating of wireless communication systems on telecommunication towers and antenna support structures that are located on property owned, leased, or used by the City.

7. The City owns numerous large parcels of property evenly spread throughout the City, where telecommunications facilities can be located so as to be as inoffensive as possible to the residents and businesses of the City.

8. Transmission facilities are subject to State and Federal Laws that include possible requirements for wireless providers to make room on transmission facilities for collocation of other carriers as well as local government authority to create or acquire sites to accommodate the erection of telecommunication towers. This authority allows a city to promote the location of telecommunication towers in a manageable area and to protect the aesthetics and environment of the area.

D. Applicability. This Section applies to both commercial and private low power radio services and facilities, such as “cellular” or PCS (personal communications system) communications and paging systems. All cellular facilities shall comply with the regulations set forth in this Section and any pertinent regulations of the Federal Communications Commission and the Federal Aviation Administration. Neither the term “telecommunication facility” nor the requirements of this Section shall apply to the following types of communications devices, although they may be regulated by other City ordinances and policies:

1. Amateur Radio. Any tower or antenna owned and operated by an amateur radio operator licensed by the Federal Communications Commission.
2. Satellite. Any device designed for over-the-air reception of television broadcast signals, multi-channel multipoint distribution service or direct satellite service.
3. Cable. Any cable television headend or hub

towers and antennas used solely for cable.

4. Wireless internet broadcasting.

E. Approval Process. All applications for telecommunications facilities require review and approval by the Planning Commission. Applications shall be processed in accordance with the City’s permitted or conditional use permit approval process, whichever is applicable according to the requirements of this Section. An exception to this is when a wireless carrier applies for a facility to be collocated on a monopole or other structure that was specifically designed and approved with room for one or more collocated transmission facilities. In this case, the submission requirements will be the same, but the site plan may be approved administratively by the Zoning Administrator or the Administrator’s designee.

F. Application Requirements. Any person desiring to develop, construct or establish a telecommunication facility in the City shall submit an application for site plan approval to the City in accordance with the requirements of Section 11.230 of this Code. Telecommunication facilities that require conditional use approval shall also file an application for conditional use and will be subject to the conditional use requirements of this section and Chapter 9 regarding Conditional Uses.

G. Building Permits Required. Prior to the construction of any telecommunications facility, the applicant shall obtain the proper building permits, road cut permits, and other permits as required by the City. No building permit shall be issued until the facility has been approved by the appropriate authority based on the requirements of this section.

H. Location and Type Priority.

1. Priority of Antenna Site Locations. Telecommunication facilities shall be located as unobtrusively as is reasonably possible. To accomplish this goal, the provider shall make a good faith effort to site antennas in the following order of priority:

- (a) Existing Structures or Stealth Facilities. First priority shall be granted to antennas located on existing structures or antennas qualifying as stealth facilities, as follows:
 - (i) Existing Structures. Antennas located on lawfully existing buildings, structures and antenna support structures, provided that the build-

ings, structures or support structures are: (1) located on a telecommunication facility designed and approved for collocation, (2) located in a non-residential zoning district, or (3) located in a residential zoning district on property that is being used for non-residential uses (e.g. government, school or church); or

- (ii) **Stealth Facilities.** Antennas certified as stealth facilities as set forth in this ordinance.

(b) **Monopoles on City-owned Property.** Monopoles constructed on City-owned property.

(c) **Monopoles on property owned by a non-City public agency.** Monopoles constructed on property owned by a non-City public agency.

(d) **Monopoles on Non-residential Private Property.** Monopoles constructed on private property, provided that the private property is (1) located in a non-residential Zoning district, or (2) located in a residential Zoning district on property that is used for a non-residential use (e.g. government, school or church).

(e) **Other.** Any combination of antenna type and location other than those listed above.

2. **Burden of Proof.** If the applicant desires to locate antennas on a site other than the highest priority site, the applicant shall have the burden of demonstrating to the Planning Commission why it could not locate antennas on sites with a higher priority than the site chosen by the applicant. To do so, the applicant shall provide the following information to the approving authority:

(a) **Higher Priority Sites.** The identity and location of any higher priority sites located within the desired service area.

(b) **Reason for Rejection of Higher Priority Sites.** The reason(s) why the higher priority sites are not technologically, legally or economically feasible. The applicant must make a good faith effort to locate antennas on a higher priority site. The City may request information from outside sources to justify or rebut the applicant's reasons for rejecting a higher priority site.

(c) **Justification for Proposed Site.** Why the proposed site is essential to meet the service demands of the geographic service area and the citywide network. If the applicant desires

to construct a monopole, the applicant shall also submit a detailed written description of why the applicant cannot obtain coverage using existing buildings or structures or stealth facilities.

I. **Permitted Uses.** The following combinations of antenna types and locations are permitted uses, provided that the applicant complies with this Section and any other applicable laws and regulations:

1. **Existing Structures on City-owned Property.** Antennas located on existing buildings, structures and antenna support structures located on City-owned property.

2. **Existing Structures on Private Property.** Wall and roof mounted antennas located on lawfully existing buildings and structures located on private property, provided that the private property is

- (a) located in a non-residential zone, or
- (b) located in a residential zone on property that is used for a non-residential use (e.g. government, school or church).

3. **Co-location.** Co-location on a lawfully existing antenna support structure approved for collocation provided the new antenna(s) meet the size, height and other applicable monopole antenna requirements contained in this Section.

4. **Stealth facilities.** Antennas certified as stealth facilities by the Planning Commission that are located on a parcel in a non residential zoning district or in a residential zoning district containing a non-residential use.

J. **Conditional Uses.** The following combinations of antenna types and locations shall be considered as conditional uses, provided that the applicant complies with this Section and other applicable laws and regulations:

1. **Antennas in Multi-Family developments.** Wall Mounted Antennas, Roof Mount Antennas, and Stealth facilities located in an R-2, R-2.5, R-3 or PC zone on property that is being used for a multi-family residential building having ten (10) or more dwelling units.

2. **Monopoles in Non-residential Zoning Districts.** Monopoles constructed in the I, LI, C, and BP Zones.

3. Others. Combinations of antenna types and locations other than those listed as permitted uses above or as not permitted uses below.

K. Not Permitted Uses. The following antenna types and antenna locations are not permitted, except upon a showing of necessity (inability to achieve coverage or capacity in the service area) by the applicant, in which case they shall be considered as conditional uses:

- (a) Lattice Towers and Guyed Towers. Lattice towers, guyed towers, and other non-stealth towers, with the exception of monopoles, are not permitted in any Zoning district.
- (b) Monopoles on Private Property in a Residential Zoning district. Monopoles located on residentially zoned private property, if the residentially zoned property has a residential use (as opposed to a school, church, or other non-residential use).
- (c) Whip antennas on wall mounted support structures.

L. Specific Regulations by Type. Wireless facilities are characterized by the type or location of the antenna structure. There are four general types of antenna structures contemplated by this ordinance: wall mounted antennas; roof mounted antennas; stealth facilities; and monopoles. If a particular type of antenna structure is allowed by this ordinance as a permitted or conditional use, the minimum standards for that type of antenna are as follows, unless otherwise provided in a conditional use permit:

1. Wall Mounted Antennas.

- (a) Maximum Height. Wall mounted antennas shall not extend above the roof line of the building or structure or extend more than four (4) feet horizontally from the face of the building.
- (b) Setback. Wall mounted antennas shall not be located within twenty feet (20') feet of a residential Zoning district unless it is located on a non-residential structure as approved by this Section.
- (c) Mounting Options. Antennas mounted directly on existing parapet walls, penthouses, or mechanical equipment rooms are considered to be wall mounted antennas if no portion of the antenna extends above the roof line of the parapet wall, penthouse, or mechanical equipment room.
- (d) Color. Wall mounted antennas, equip-

ment and supporting structures shall be painted to match the color of the building or structure or the background against which they are most commonly seen. Antennas and the supporting structure on the building shall be architecturally compatible with the building. Whip antennas are not allowed on a wall mounted antenna structure, but may camouflaged in a stealth facility as per stealth requirements of this Section.

(e) Maximum Area. The total area for all wall mounted antennas and supporting structures on any one building shall not exceed five percent (5%) of any exterior wall of the building.

2. Roof Mounted Antennas.

(a) Maximum Height. The maximum height of a roof mounted antenna shall be eighteen feet (18') above the roof line of the building.

(b) Setback. Roof mounted antennas shall be setback from the exterior wall of the building or structure a distance at least equal to the height of the antenna above the roof.

(c) Mounting options. A roof-mounted antenna shall be mounted only on structures with flat roofs. Roof mounted antennas may be mounted directly on a roof, or on top of existing penthouses or mechanical equipment rooms if the total height of the antennas do not exceed eighteen feet (18') above the roof line of the building.

(d) Color. Roof mounted antennas, equipment and supporting structures shall be painted to match the color of the building or structure or the background against which they are most commonly seen. Antennas and supporting structures shall be architecturally compatible with the building.

(e) Combination of Wall and Roof Mounted Antennas. Any building may have a combination of wall and roof mounted antennas meeting the requirements of this Section.

3. Stealth facilities.

(a) Determination. Not every disguised or screened telecommunication facility qualifies as a stealth facility. Whether or not a particular facility qualifies as a stealth facility shall be decided by the Planning Commission as part of the approval process. In making the decision, the Planning Commission shall consider the definition of Stealth Facilities set forth in this Section and shall consider

whether the facility is disguised, blended or screened in a manner that eliminates any negative impact of the telecommunication facility. Each stealth facility certification applies to one location only. Because of differing circumstances specific to each site, an antenna that qualifies as a stealth facility in one location may not qualify as a stealth facility in a different location.

(b) **Maximum Height.** The overall height of any structure proposed to be used for a stealth fixture antenna shall be consistent with any similar structure being used as a model for the stealth structure. A stealth fixture shall be no more than ten (10) feet higher than the structure to which it is attached; provided the fixture and the structure to which it is attached is consistent with the character of similar structures located in the same area, as determined by the Planning Commission. The Planning Commission shall make specific findings to support its determination.

(c) **Disguise.** A stealth fixture antenna shall be disguised as part of the structure to which it is attached or otherwise concealed from public view as much as reasonably possible. A stealth fixture antenna may be attached to or disguised as a flag pole, light pole, power pole, manmade tree, clock tower, steeple or a structure used primarily for another use so long as any antenna located on the structure does not detract visually from the primary use. Stealth fixture antennas and all associated equipment visible to public view shall be painted to match the color of the structure to which it is attached. Equipment and/or equipment shelters used in connection with stealth fixture antennas shall be camouflaged.

(d) **Engineered structure.** A structure to which a stealth fixture antenna is attached shall be designed by a state certified engineer to verify that the structure can support the stealth fixture antenna.

(e) **Antenna size.** A stealth fixture antenna, including the mounting structure, shall not exceed thirty (30) inches in diameter; provided, however, that antennas exceeding thirty (30) inches, including the mounting structure, may be permitted if the antenna is a stealth fixture antenna located on or within a clock tower, steeple, manmade tree or other similar structure.

(f) **Conversion.** Subject to Planning Commission approval, stealth facilities may in-

clude the conversion of existing flagpoles, light standards, athletic field lights or other similar structures to a stealth facility provided the structure's height is not increased more than ten (10) feet.

(g) **Utility Pole Antennas.** Utility pole antennas may be allowed as a stealth facility at the discretion of the Planning Commission and subject to the following minimum requirements:

- (i) **Location.** Utility Pole Antennas may only be located on existing City owned utility poles except for decorative street lights.
- (ii) **Method of Mounting.** Such antennas shall be designed and installed by the applicant according to Lehi City Power Department specifications and requirements.
- (iii) **Height.** Antennas shall not extend more than ten (10) feet above the top of the pole.
- (iv) **Antenna size.** The antennas, including the mounting structure, shall not exceed twenty four (24) inches in diameter.
- (v) **Electrical equipment.** Electrical equipment shall not be located in the public right-of-way.
- (vi) **Agreement.** Each telecommunication provider is required to enter into an agreement with the City prior to installing any telecommunication facilities in a public right of way. The City shall review site plan conditions prior to the execution of the agreement.

4. Monopoles.

(a) **Justification.** If the applicant desires to construct a monopole, the applicant shall first submit a detailed written description of why the applicant cannot obtain coverage using existing buildings or structures or stealth facilities. The description shall include a radio frequency engineering review of the proposed Monopole Telecommunication Facility in relation to the requested height and possible alternative locations.

(b) **Visual Analysis.** The applicant shall submit a visual analysis which may include photo simulation, field mock up or other techniques, which identifies the potential for visual impacts of the proposed monopole.

The analysis shall consider views from public areas (streets, parks, etc.) and from private residences.

(c) **Maximum Height.** The maximum height of the monopole or monopole antenna shall be sixty feet (60'), although the Planning Commission may allow an antenna or antenna support structure up to one hundred twenty feet (120') in height, if the applicant demonstrates to the satisfaction of the approving body that the additional height is necessary to obtain coverage or to allow co-location, and that the applicant has taken steps to mitigate adverse effects on the surrounding neighborhood. The antenna itself shall not exceed ten feet (10') in height.

(d) **Setback.** Monopoles shall be set back a minimum distance equal to four (4) times the height of the proposed monopole structure from any residential lot line, measured from the base of the monopole to the nearest residential lot line unless the applicant can demonstrate that a lesser distance is necessary as demonstrated in a certified radio frequency engineering report.

(e) **Antenna Sizing.** The maximum visible width of Antennas and Antenna Support Structures on a Monopole shall not exceed eight (8) feet in height or three (3) feet in width as viewed looking directly at the Monopole at same elevation as the Antennas and Antenna Support Structure. "Top Hat" design is not permitted.

(f) **Color.** A surface treatment may be required as part of the Conditional Use permit so that monopoles, antennas, and related support structures match the background against which they are most commonly seen.

(g) **Distance from other Monopoles.** Monopoles and towers shall be located at least one half mile from each other, except upon a showing of necessity by the applicant, or upon a finding by the Planning Commission that a closer distance would adequately protect the health, safety and welfare of the community. This distance requirement shall not apply to stealth facilities or to antennas attached to lawful structures such as transmission towers, utility poles, outdoor lighting structures, and water tanks.

(h) **Location on Parcel.** Monopoles shall be located as unobtrusively on a parcel as possible, given the location of existing structures, nearby residential areas, and service needs of

the applicant. Monopoles shall not be located in a required landscaped area, or buffer area.

(i) **Co-Location Requirement.** Unless otherwise authorized by the Planning Commission for good cause shown, every new monopole shall be designed and constructed to be of sufficient size and capacity to accommodate at least one additional wireless telecommunications provider on the structure in the future. Any conditional use permit for the monopole may be conditioned upon the agreement of the applicant to allow co-location of other personal wireless providers on such terms as are common in the industry.

M. Additional Conditional Use Permit Considerations. In addition to the conditional use permit considerations listed in Chapter 9 of this Code, the Planning Commission shall also consider the following factors when deciding whether to grant a conditional use permit for a telecommunication facility:

1. **Compatibility.** Compatibility of the facility with the height, mass and design of buildings, structures and uses in the vicinity of the facility.
2. **Screening.** Whether the facility uses existing or proposed vegetation, topography or structures in a manner that effectively screens the facility.
3. **Parcel Size.** Whether the facility is located on a parcel of sufficient size to adequately support the facility.
4. **Location on Parcel.** Whether the structure is situated on the parcel in a manner that can best protect the interests of surrounding property owners, but still accommodate other appropriate uses of the parcel.
5. **Location in General.** Whether location or co-location of the facility on other structures in the same vicinity is practicable, without significantly affecting the antenna transmission or reception capabilities.
6. **Co-location.** The willingness of the applicant to allow co-location on its facility by other personal wireless services providers on such terms as are common in the industry.

N. Lease Agreement. The City has no implied obligation to lease any particular parcel of City-owned property to an applicant. The City shall enter into a stand-

ard lease agreement with the applicant for any facility built on City property. The City Manager or designee is hereby authorized to execute the standard lease agreement on behalf of the City. The lease shall contain the condition that the site plan and/or conditional use permit must first be approved by the Planning Commission before the lease can take effect, and that failure to obtain such approval renders the lease null and void.

O. Safety.

1. Regulation Compliance.

(a) Compliance with FCC and FAA regulations. All operators of wireless facilities shall demonstrate compliance with applicable Federal Communication Commission (FCC) and Federal Aviation Administration (FAA) regulations, including FCC radio frequency regulations, at the time of application and periodically thereafter as requested by the City. Failure to comply with the applicable regulations shall be grounds for revoking a site plan or conditional use permit approval.

(b) Other licenses and permits. The operator of every telecommunications facility shall submit copies of all licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location and operation of the facility to the City, shall maintain such licenses and permits in good standing, and shall provide evidence of renewal or extension thereof upon request by the City.

2. Monopole Safety.

(a) Protection Against Climbing. Monopoles shall be protected against unauthorized climbing by removing the climbing pegs from the lower 20 feet of the monopole.

(b) Fencing. Monopoles and towers shall be fully enclosed by a minimum 6-foot tall fence or wall, as directed by the City, unless the Planning Commission determines that a wall or fence is not needed or appropriate for a particular site due to conditions specific to the site.

(c) Security Lighting Requirements. Monopoles and towers shall comply with the FAA requirements for lighting. As part of the conditional use permit consideration, the City may also require security lighting for the site. If security lighting is used, the lighting impact on surrounding residential areas shall be min-

imized by using indirect lighting, where appropriate.

3. Abandonment. The City may require the removal of all antennas and monopoles if the facility has been inoperative or out of service for more than twelve (12) consecutive months.

(a) Notice. Notice to remove shall be given in writing by personal service, or by certified mail addressed to the operator's last known address.

(b) Violation. Failure to remove the antennas and monopoles after receiving written notice to remove is a violation of the terms of this Chapter. The City may initiate criminal and/or civil legal proceeding against any person, firm, entity or corporation, whether acting as principal, agent, property owner, lessee, lessor, tenant, landlord, employee, employer or otherwise, for failure to remove antennas and monopoles in accordance with this Chapter. The City may seek a civil injunction requiring the removal of any structures on the site in accordance with this Chapter. The City may also remove such structures itself, and may bill its costs in removing the structures to the operator. Any lease agreement with the City may also stipulate failure to remove the antennas and monopoles after receiving written notice to do so pursuant to this Chapter automatically transfers ownership of the antennas, monopoles, support buildings and all other structures on the site to the City.

4. Emergency. The City shall have authority to move or alter a telecommunication facility in case of emergency. Before taking any such action, the City shall first notify the owner of the facility, if feasible.

P. Additional Requirements.

1. Storage Areas and Solid Waste Receptacles. No outside storage or solid waste receptacles shall be permitted on a telecommunications facility site.

2. Equipment Enclosures. All electronic and other related equipment and appurtenances necessary for the operation of any telecommunication facility shall, whenever possible, be located within a lawfully pre-existing structure. When a new structure is required to house such equipment, the structure shall be harmonious with, and blend with, the natural features, buildings and structures

surrounding such structure.

3. **Accessory Buildings.** Freestanding accessory buildings used with a telecommunication facility shall not exceed a combined total of 450 square feet and shall comply with the setback requirements for structures in the Zoning district in which the facility is located.

4. **Parking.** The City may require a minimum of one (1) parking stall for sites containing a monopole, tower, and/or accessory buildings, if there is insufficient parking available on the site.

5. **Maintenance Requirements.** All wireless facilities shall be maintained in a safe, neat and attractive manner.

6. **Landscaping.** All telecommunications facilities shall be adequately landscaped in order to provide visual screening as deemed necessary by the Planning Commission on a site specific, case by case basis. For monopoles where there are no buildings immediately adjacent to the monopole and equipment facilities, the site shall be surrounded by dense tree growth to screen views of the facility in all directions. These trees may be existing on the subject property or planted as part of the site improvements. The Planning Commission may require additional landscaping as part of the site plan approval.

7. **Fencing.** If the Planning Commission does not require the applicant to place the Equipment Facility underground or utilize Stealth design technology, then the Telecommunications Facility shall be fenced with a six (6) foot black vinyl coated chain-link fence or other fencing as approved or required by the Planning Commission.

8. **Power Lines.** All power lines on the lot leading to the Telecommunications Facility shall be underground.

Q. **Historic Districts.** Any Telecommunications facility proposed for a location within a historic district or on a historic landmark site as listed on the National or State register of historic places must be reviewed by the Planning Commission as a conditional use.

Section 12.150. Supplementary Requirements for Group Homes. *(New 01/26/16)*

A. **Purpose.** The purposes of this section are:

1. To allow group homes in Lehi City; and
2. To allow protected groups to request reasonable accommodation for the equal opportunity to use or enjoy a dwelling; and

B. **Definitions.** As used in this section, the following terms are defined as follows:

1. "Group Home" is a living arrangement where a group of unrelated individuals live together in a single dwelling unit.

2. "Disability" is defined in Section 57-21-2 of the Utah Code, as the same may be amended from time to time, and includes the following:

- (a) "Mental or physical impairment" includes but is not limited to blindness, hearing impairment, mobility impairment, HIV infection, mental retardation, alcoholism, drug addiction, chronic fatigue, learning disability, head injury, and mental illness.
- (b) "Major life activity" includes but is not limited to seeing, hearing, walking, breathing, performing manual tasks, caring for one's self, learning, speaking, and working.
- (c) This definition does not protect people who currently use illegal drugs, have been convicted of the manufacture or sale of illegal drugs, present a direct threat to other persons or property, or claim disability solely because of adjudication as a juvenile delinquent, having a criminal record, or being a sex offender.

3. "Reasonable Accommodation" is a reasonable and necessary exception to rules, regulations, and policies that is needed in order to afford a person with a disability an equal opportunity to use or enjoy a dwelling.

- (a) "Necessary" means there is a direct causal link between the proposed accommodation and an equal opportunity for a person with a disability. This means that the accommodation requested must ameliorate a disability's effect, and must be linked to providing the same opportunity a non-disabled person would have to use and enjoy a dwelling.

4. "Group Home for Persons With a Disability" means a residence in which more than one person with a disability resides and is licensed or certified

by the Department of Human Services under Utah Code Title 62A, Chapter 2, Licensure of Programs and Facilities.

5. “Group Home” does not include a health care facility as defined by Section 26-21-2 of the Utah State Code, as the same may be amended from time to time. This includes, but is not limited to, assisted living facilities, and nursing homes.

C. Use.

1. A group home is a permitted use in any zoning area where residential dwellings are allowed.
2. Group homes will be regulated according to the standard residential zoning requirements applicable to the subject property.
3. A permitted group home use may be revoked under the following circumstances:
 - (a) The facility is devoted to a use other than a group home as approved by the Reviewing Departments; or
 - (b) Any license or certification issued by the Utah Department of Health or the Department of Human Services for such a facility is revoked or terminated; or
 - (c) The facility fails to comply with the requirements set forth in this chapter.
4. A group home is limited to up to four unrelated persons (see the definition of “Family,” Chapter 39), with the allowance of up to eight (8) unrelated persons with a reasonable accommodation exception in the case of a Group Home for Persons with Disabilities.
5. Any group home facility shall provide off-street parking as per Table 37.090: Table of Off-Street Parking Requirements. The creation of a parking area shall not change the residential character of the property.
6. Any group home facility must comply with development standards, design standards, and building, safety, and health regulations applicable to similar residential structures within the zone in which the facility is located.
7. Any group home facility must not fundamentally alter the structure’s residential character or the character of the neighborhood where the facility is located.

D. Reasonable Accommodation. Reasonable accommodation exceptions may be made to rules, policies, practices, and/or services when the request is reasonable and necessary to afford a person with disability an equal opportunity to use or enjoy a dwelling.

1. A group home may have up to eight (8) unrelated residents if the scope and magnitude of the requested accommodation does not alter the character of the surrounding neighborhood. Such considerations may include (but are not limited to) impacts on parking, traffic, noise, utility use, architectural compatibility, and other typical concerns of zoning.
2. Exceptions based on reasonable accommodations shall be based on the following factors:
 - (a) The residence shall be inhabited by an individual or individuals with disabilities protected under fair housing laws;
 - (b) The request shall be necessary to afford persons with a disability equal opportunity to use and enjoy a dwelling compared to similarly situated persons or groups without a disability;
 - (c) The request shall not impose undue financial or administrative burden on the City;
 - (d) The request shall not fundamentally alter the City’s land use, zoning, or building regulations;
 - (e) The request shall be reasonable;
 - (f) The request makes a dwelling available to an individual whose tenancy would not result in substantial physical damage to the property of others; and
 - (g) The request abides by any other relevant considerations under federal or state law.
3. The applicant bears the burden of proof to demonstrate that the requested accommodation is necessary and reasonable under the standards and definitions set forth in federal and state law, including federal and state case law.

E. Approval Process.

1. The applicant must provide evidence of compliance with all applicable requirements to the City, regulations and standards of the Department of Human Services of the State of Utah governing the licensing and operation of the facility.

2. The Reviewing Departments shall be the final approving authority, subject to the applicant's right of appeal pursuant to Section 12.190. Upon determination of compliance with all of the requirements of this section, the Reviewing Departments shall provide notice of approval for the proposed facility. However, where, in the opinion of the Reviewing Departments, the information provided by the applicant is insufficient or the facility is not in compliance with the requirements of this section, the application may be denied.

3. A permit to operate a residential facility for persons with a disability is nontransferable.

4. The operator(s) of the facility will provide assurances that the residents of the facility will be properly supervised on a 24-hour basis.

5. The applicant must obtain and maintain all licenses from the State of Utah Department of Human Services required to operate the facility and must provide the City with proof of such licenses.

F. Noncompliance.

1. Reviewing Departments. If there is cause to believe that grounds for revocation or modification of a Group Home permit exists, the Reviewing Departments shall hold a meeting on the question of modification or revocation of a permit granted pursuant to the provisions of this Chapter 12.

2. Revocation. A Group Home permit may be revoked if the Reviewing Departments find, by a preponderance of the evidence, that one or more of the following exist:

(a) The Group Home permit was obtained in a fraudulent manner.

(b) The use for which the Group Home permit was granted has now ceased for at least six consecutive calendar months.

(c) The basis for reasonable accommodation for the Group Home permit has not been substantially met.

3. Modification. A Group Home permit granted may be modified by the Review Departments without the consent of the property owner or op-

erator if the Reviewing Departments find, by a preponderance of the evidence, that the Group Home constitutes or is creating a nuisance.

Section 12.160. Supplementary Requirements for Juvenile Group Facilities. *(Amended 01/26/16)*

A. As used in this section, a juvenile group facility means a 24-hour group living environment for adolescents under the age of 18, unrelated to an owner or operator that offers room, board or specialized services to residents.

B. A juvenile group facility shall be a conditional use in the L1 zone.

C. Special Permit Standards and Approval Process.

1. Any person, business or entity desiring to establish a Juvenile Group Home shall obtain approval by following the procedures set forth herein. This process shall be initiated by submitting an application to the Reviewing Departments and paying a fee in the amount of \$200.00.

2. The application shall include sufficiently detailed site plans, building plans or remodeling plans, and other information necessary to determine compliance with building, safety and health regulations and standards applicable to similar dwellings. The Reviewing Departments shall review the site and building or remodeling plans and specify any modifications and improvements necessary to bring the structure and site into compliance with all applicable local and state codes. Any alterations must be approved by the Planning Commission before a conditional use permit is approved. Additionally, the facility shall conform to all applicable building, fire, health and safety codes and requirements for facilities of this type.

3. Occupancy of the structure shall be such that each resident is provided adequate personal space. A residential facility shall ensure that each bedroom space in the facility has a floor area, exclusive of closet space, of at least 74 square feet for initial occupant and an additional 50 square feet for each other occupant of this space. In the event that state laws, regulations or guidelines exceed these requirements, compliance with state requirements will be enforced.

4. The applicant must verify compliance with all

applicable requirements, regulations and standards of the Department of Human Services of the State of Utah governing the licensing and operation of juvenile group facilities.

5. The application, together with comments and conditions required by the Reviewing Departments shall be submitted to the Planning Commission for a public hearing for the purpose of receiving public input regarding the application and for final approval. At least fourteen (14) days before the public hearing, the applicant shall provide written notification, either in person or by first class mail, to all citizens living within or owning property within 1000 feet of the proposed site of the group home.

6. The Planning Commission shall be the final approving authority, subject to the applicant's right of appeal pursuant to this section. Upon determination of compliance with all of the requirements of this section, the Planning Commission shall provide notice of approval for the proposed facility. However, where, in the opinion of the Planning Commission, the information provided by the applicant is insufficient or the facility is not in compliance with the requirements of this section, the application may be denied.

7. A permit to operate a juvenile group home shall be;

- (a) Nontransferable; and
- (b) Shall terminate if at any time it is demonstrated to the Planning Commission, or City Council, that:
 - (i) the structure is devoted to a use other than as a juvenile group home; or
 - (ii) the structure fails to comply with the requirements of this section; or
 - (iii) the program has failed to operate in accordance with the requirements of this section.

8. If the Planning Commission specifically finds that the tenancy of an individual in a juvenile group home would constitute or pose a direct or serious threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others, based on the reasonable medical judgment of health care professionals, and the judgment of such other professionals as the Planning Commission may deem necessary, it may impose appro-

priate conditions or deny occupancy to that individual. The Planning Commission shall have authority to request sufficient information to make an informed judgment with respect to this provision, but such information shall not become a matter of public record and shall be obtained in a manner which respects the privacy of the individual resident or occupant of the facility. Applicant's refusal to provide such information shall be justification for denial of occupancy of the individual in question.

9. The facility shall provide one off-street parking space for each four residents, plus adequate parking for visitors and staff as determined by the Reviewing Departments in accordance with applicable City codes. The facility shall at a minimum provide three parking spaces. Tandem parking will not be considered in this determination.

10. The operator(s) of the facility will provide assurances that the residents of the facility will be properly supervised on a 24-hour basis.

11. Placement in the facility is on a strictly voluntary basis and is not part of or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.

12. The applicant must obtain and maintain all licenses from the State of Utah Department of Human Services required to operate a juvenile group home and provide the City with proof of such licenses.

D. The responsibility to License programs or entities which operate juvenile group homes, as well as to require and monitor the provision of adequate services to persons residing in those facilities, shall rest with the Department of Human Services as provided in Utah Code Section 62A-2-114.

Section 12.170. Supplementary Requirements for Rehabilitation and Treatment Facilities.

(Amended 4/14/09; 01/26/16)

A. As used in this section, a rehabilitation and treatment facility means a 24-hour group living environment for individuals, unrelated to an owner or operator that offers room, board or specialized services to residents. Any such facility that has up to four residents, or up to eight residents if reasonable accommodation is required, falls under the regulations of a group home.

A. A rehabilitation and treatment facility shall be a conditional use in the LI zone.

B. Special Permit Standards and Approval Process.

1. Any person, business or entity desiring to establish a rehabilitation and treatment facility shall obtain approval by following the procedures set forth herein. This process shall be initiated by submitting a complete application, including all applicable fees, to the City.

2. The application shall include sufficiently detailed site plans, building plans or remodeling plans, and other information necessary to determine compliance with building, safety and health regulations and standards applicable to similar dwellings. The Reviewing Departments shall review the site and building or remodeling plans and specify any modifications and improvements necessary to bring the structure and site into compliance with all applicable local and state codes. Any alterations must be approved by the Planning Commission before a conditional use permit is approved. Additionally, the facility shall conform to all applicable building, fire, health and safety codes and requirements for facilities of this type.

3. Occupancy of the structure shall be such that each resident is provided adequate personal space. A residential facility shall ensure that each bedroom space in the facility has a floor area, exclusive of closet space, of at least 74 square feet for initial occupant and an additional 50 square feet for each other occupant of this space. In the event that state laws, regulations or guidelines exceed these requirements, compliance with state requirements will be enforced.

4. The applicant must verify compliance with all applicable requirements, regulations and standards of the Department of Human Services of the State of Utah governing the licensing and operation of Drug and Alcohol Treatment Facilities.

5. The application, together with comments and conditions required by the Reviewing Departments shall be submitted to the Planning Commission for a public hearing for the purpose of receiving public input regarding the application and for final approval. At least ten (10) days before the public hearing, the applicant shall provide written

notification, either in person or by first class mail, to all citizens living within or owning property within 300 feet of the proposed site of the group home.

6. The Planning Commission shall be the final approving authority, subject to the applicant's right of appeal pursuant to this section. Upon determination of compliance with all of the requirements of this section, the Planning Department shall provide notice of approval for the proposed facility. However, where, in the opinion of the Planning Commission, the information provided by the applicant is insufficient or the facility is not in compliance with the requirements of this section, the application may be denied.

7. A permit to operate a rehabilitation and treatment facility shall be;

(a) Nontransferable; and

(b) Shall terminate if at any time it is demonstrated to the Planning Commission, or City Council, that:

(i) the structure is devoted to a use other than as was approved; or

(ii) the structure fails to comply with the requirements of this section; or

(iii) the program has failed to operate in accordance with the requirements of this section.

8. If the Planning Commission specifically finds that the tenancy of an individual in a Rehabilitation and treatment facility would constitute or pose a direct or serious threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others, based on the reasonable medical judgment of health care professionals, and the judgment of such other professionals as the Planning Commission may deem necessary, it may impose appropriate conditions or deny occupancy to that individual. The Planning Commission shall have authority to request sufficient information to make an informed judgment with respect to this provision, but such information shall not become a matter of public record and shall be obtained in a manner which respects the privacy of the individual resident or occupant of the facility. Applicant's refusal to provide such information shall be justification for denial of occupancy of the individual in question.

9. The facility shall provide one off-street park-

ing space for each four residents, plus adequate parking for visitors and staff as determined by the Reviewing Departments in accordance with applicable City codes. The facility shall at a minimum provide three parking spaces. Tandem parking will not be considered in this determination.

10. The operator(s) of the facility will provide assurances that the residents of the facility will be properly supervised on a 24-hour basis.

11. The applicant must obtain and maintain all licenses from the State of Utah Department of Human Services required to operate a rehabilitation and treatment facility and provide the City with proof of such Licenses.

C. The responsibility to License programs or entities which operate Rehabilitation and Treatment Facilities, as well as to require and monitor the provision of adequate services to persons residing in those facilities, shall rest with the Department of Human Services as provided in Utah Code Section 62A-2-114.

Section 12.180. Denial of Group Home Application *(Amended 01/26/16)*

Upon denial of an application for a group home, the applicant shall have 30 days to file an appeal of the decision of the Reviewing Departments directly to the City Council.

A. The applicant shall file a notice of appeal with the city recorder.

B. At least fourteen (14) days before City Council hears the appeal of the denial of the application for the group home, the applicant shall provide all bases for the appeal to the City, and, notice thereof by first-class mail to all citizens living within or owning property within 1000 feet of the proposed site of the group home.

C. Any decision by the city council on an appeal of a denial of an application for a group home, shall:

1. be issued in writing within 14 days of the city council meeting at which the appeal was heard; and
2. shall set forth the findings of the city council; and
3. shall be delivered in person or by first-class mail to the applicant.

12.190. Zoning Requirements for Sexually-Oriented Businesses. *(New 03/26/02)*

A. Purpose. The purpose of this Section is to establish requirements that reasonably govern the location of sexually-oriented businesses in order to avoid adverse secondary effects which may result from the operation of such businesses. This Section shall be construed to protect the governmental interests recognized by this Code in a manner consistent with protections provided by the United States Constitution and the Utah Constitution. These provisions shall not be construed as permitting any use or activity that is otherwise prohibited or made punishable by law.

B. Definitions. Terms involving sexually-oriented businesses shall have the meaning set forth in Title 5, Chapter 5.64 – Sexually Oriented Businesses of the Lehi City Municipal Code.

C. Zoning and Location Requirements.

1. Sexually-oriented businesses, including any business licensed as an adult business, outcall service business or semi-nude entertainment business, shall be permitted only within the Light Industrial, Industrial or Technology and Manufacturing Zones as shown on the Zone Map of Lehi City.

2. No sexually oriented business shall be constructed or operated within one thousand (1,000) feet of any of the following:

- (a) An Agriculture, Residential/Agriculture, Residential, Mixed Use or Planned Community Zoning District boundary line as shown on the Zone Map of Lehi City;
- (b) The property boundary of any church, public park, public library, or public or private school; or
- (c) The boundary of any property for which a sexually-oriented business license earlier has been issued and has not expired.

3. No church, Public Park, public library, or school shall be established closer than 1,000 feet from any sexually-oriented business.

4. For the purpose of this Section, the distance from any church, public park, public library, or school shall be measured in a straight line from the nearest point of the line of any property on which a sexually-oriented business is operating, or is proposed to operate, to the nearest residential

zone boundary line or property boundary line of any church, public park, public library, or school, as the case may be.

D. **Development Standards.** All sexually-oriented businesses shall be subject to the development standards of the underlying zone in which it is located, including, but not limited to, setbacks, building height, projections, etc. All sexually-oriented businesses shall be required to comply with the following criteria, in addition to the other land use and site planning standards and requirements of this Code:

1. Off-street parking shall be provided as required by Section 05.050 - Off-Street Parking Requirements, to which the sexually-oriented business is most closely related.
2. Signs for each sexually-oriented business shall be limited the following:
 - (a) Signage is limited to one flat wall sign.
 - (b) The wall sign shall comply with the sign requirements specified in Chapter 23, Signs of this Code including allowable sign area.
 - (c) Off premise signs are prohibited.
 - (d) No animation shall be permitted on or around any sexually oriented business sign or on the exterior walls or roof of the premises;
 - (e) The sign shall contain alpha-numeric copy only.
 - (f) Painted wall advertising shall not be allowed;
 - (g) Signs and advertising shall not permit or allow the display of any matter that is contrary to the provisions of the Lehi City Development Code, Lehi City Municipal Code, or other applicable federal or State statute prohibiting obscenity, nudity, lewdness, profanity, or pornography.
3. No merchandise or pictures of the products or entertainment on the premises shall be displayed in window areas or in any area where they can be viewed from a public sidewalk.

Section 12.200. Zoning Requirements for Child Day Care, Commercial. (New 08/09/05)

The following standards apply to commercial daycare services located in the R-2 and R-3 Zones:

1. The exterior of the building shall resemble a single-family residential dwelling, in harmony with any neighboring residential dwellings;
2. A commercial daycare is not permitted in a

multi-family structure;

3. A commercial daycare cannot be located within four hundred (400) feet (measured property line to property line) from any school or another commercial daycare service;
4. All applications for approval of a commercial daycare center must comply with the conditional use and site plan requirements as set forth by this Code;
5. The entire area of the front yard setback shall be landscaped, except for permitted drive-ways/walkways;
6. The site plan shall be configured so that no vehicle will back out onto a dedicated public street. Parking and turn-around areas shall be located in the side or rear yard unless the site includes a circular driveway;
7. The commercial daycare must be located on a through street, as opposed to a cul-de-sac and/or dead-end street;
8. The rear yard area and all play areas shall be enclosed with a six (6) foot sight-obscuring fence. All gates shall be self-closing and self-locking;
9. No signage will be permitted;
10. No more than 16 children are permitted at any one time;
11. The commercial daycare must comply with all State licensing requirements.

Section 12.210. Flag Lot Standards.

(New 09/12/06; Amended 03/27/07)

A. **Definition.** A flag lot is defined as a lot in a residential zoning district that does not meet the required frontage on a public street. A flag lot has two distinct parts: the flag, which contains the buildable area and is located behind another lot; and the pole, which connects the flag to the street, provides the only street frontage for the lot, and contains less than the minimum lot frontage for the zone.

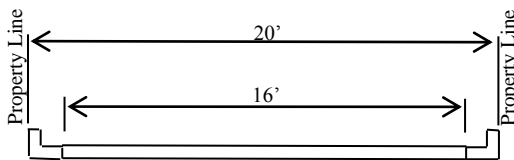
B. **Purpose.** Flag lots are intended to apply only to exceptionally deep or odd shaped parcels that are isolated from public streets and would be difficult to develop or utilize in any other way. The applicant must

demonstrate that a flag lot is the most appropriate development option and that it will not detract from the surrounding neighborhood.

C. Minimum Requirements. A flag lot shall meet the following minimum requirements:

1. The pole portion of the lot shall have at least twenty (20) feet of frontage on a dedicated public street, which frontage serves as access only to the subject lot.
2. The flag lot shall have a hard surfaced driveway from the public street to the required parking area for the flag lot (see cross section below). Adequate provisions as determined by the Planning Commission shall be made for drainage of the driveway such as curb and gutter, berming, swales, or underground piping.

20' Flag Lot Typical Cross Section



(Note: The requirement for curb and gutter is at the discretion of the Planning Commission. The Planning Commission may require other drainage options such as berming, swales, or underground piping.)

3. Not more than one flag lot shall be created from an existing lot or parcel.
4. The remainder of the lot or parcel from which the flag lot is being divided must maintain all of the required zoning standards, including frontage.
5. A flag lot cannot be created as part of a subdivision where there are more than two lots in the subdivision or from an illegally divided lot.
6. Only one (1) single family dwelling shall be allowed on a flag lot.
7. The flagpole portion of the lot shall maintain the twenty (20) foot width for its entire length, and shall not be more than one-hundred and fifty (150) feet long unless otherwise recommended by the City Fire Marshal and approved by the Planning Commission. The flagpole portion shall also maintain a vertical clearance of thirteen and one half (13.5) feet high.

8. The single family dwelling unit shall be located within two-hundred and fifty (250) feet of a fire hydrant (measured along the curb line) in accordance with the City's latest Design Standards and Public Improvement Specifications.

9. The flag portion (buildable portion) of the lot shall meet the minimum square footage and width requirements of the applicable zone.

10. Front, rear, and side yard setback requirements of the flag portion of the lot shall be the same as required in the applicable zone.

11. The shape of a flag lot must be approved by the Planning Commission as part of the subdivision approval. Doglegs and jagged, irregular shapes may not be acceptable.

12. The pole portion of the lot shall be part of the lot (not an access easement) and shall be designated as a public utility easement.

13. No parking signs may be required on the pole portion of the lot as deemed necessary by the Planning Commission.

14. All applicable street improvements including curb, gutter and sidewalk shall be installed along the frontage of both the flag lot and the lot or parcel from which it is being subdivided.

15. No accessory building shall be allowed on the flagpole portion of the lot. This subsection shall not be interpreted to prohibit aesthetic entry features, such as archways, decorative mailboxes, raised landscape beds or similar structures.

16. The Planning Commission may impose additional conditions on flag lots including but not limited to, the following:

- (a) Location and height of the dwelling.
- (b) Compatibility of the proposed project with existing conditions.
- (c) Screening and landscaping.

17. When the flag lot area is less than ten thousand (10,000) square feet, five (5) feet of landscaping (including evergreens or other tall shrubs that provide a visual barrier) and a six (6) foot sight-obscuring fence shall be required along the perimeter of the flag lot to screen the flag lot from neighboring properties.

D. Approval Process. The Planning Commission shall have authority to approve a flag lot as a Conditional Use in accordance with the requirements of this Section and Chapter 9, Conditional Uses of this Code. Requests for a flag lot are also subject to the subdivision requirements and approval process as per Chapter 11, Application Requirements, of this Code.

Section 12.220. Model Homes.

(Amended 01/13/15)

A temporary Conditional Use permit for a model home may be issued by the Commission, pursuant to the following criteria:

A. Model homes will be permitted in all residential zones for the marketing of lots or structures in the subdivision in which they are located.

B. Model homes must be converted to residential dwellings when the corresponding subdivision becomes 80% developed, or has been occupied as a model home for 3 (three) years, whichever comes first.

C. Adequate off-street parking shall be provided.

D. A signage plan is provided, and subsequently approved by the Commission, indicating the size and location of all signs. Any such signage must comply with the provisions of this Code.

E. Hours of operation must be noted by the applicant, and subsequently approved by the Commission in accordance with the provisions of this Code.

F. A model home may not be used as a general real estate office, construction management office, or an off-site sales office.

G. The number of model homes per subdivision will be reviewed by the Commission on a site specific, case-by-case basis. Under no circumstances shall the number of model homes in a particular subdivision exceed the ratio of 1 model home for every 10 houses contemplated by the corresponding recorded plat.